

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TROY C. WALLACE, RICHARD T. GEOFFRION,  
MARCELLO M. AIELLO, JOSHUA L. FACTOR, CHARLES  
MCLAUREN, JEHOVAH COLON, ROBERT BLUNT, ANGEL  
TIRADO, EARL CALLOWAY,

Plaintiffs,

-against-

STATE OF NEW YORK, COMMISSIONER OF NEW  
YORK STATE DEPARTMENT OF SOCIAL SERVICES,  
HOUSING COORDINATOR FOR SUFFOLK COUNTY  
RIVERHEAD TRAILERS SUSAN WESTERGARD,  
TOWN OF SOUTH HAMPTON MAYOR MARK EPLEY,  
COUNTY OF SUFFOLK, NEW YORK, COMMUNITY  
HOUSING INNOVATIONS, INC. EXECUTIVE DIRECTOR  
ALEXANDER M. ROBERTS,

Defendants.  
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FEUERSTEIN, J.

**ORDER**  
12-CV-5866(SJF)(WDW)

**FILED**  
IN CLERK'S OFFICE  
U S DISTRICT COURT E D N Y

★ OCT 08 2013 ★

**LONG ISLAND OFFICE**

On November 26, 2012, *pro se* plaintiff Troy C. Wallace ("Wallace") filed an *in forma pauperis* complaint against the State of New York, Susan Westergard, Suffolk County Department of Social Services, the Commissioner of the New York State Department of Social Services, the County of Suffolk, Mayor Mark Epley, the Town of South Hampton Police Department and Alexander M. Roberts, Community Housing Innovations. The complaint alleges, *inter alia*, that the defendants' efforts to enforce New York Corrections Law §168 ("Megan's Law") against Wallace is unconstitutional in that it violates the "ex post facto clause." On November 28, 2012, Wallace filed an amended complaint that now includes eight additional plaintiffs: Richard T. Geoffrion, Marcello M. Aiello, Joshua L. Factor, Charles McLauren, Jehovah Colon, Robert Blunty, Angel Tirado, and Earl Calloway. Like the original complaint,

the gist of plaintiffs' claims is that the retroactive application of Megan's Law to them is unconstitutional. The amended complaint also now names as defendants the State of New York, the Commissioner of the New York State Department of Social Services, the Housing Coordinator for Suffolk County Riverhead Trailers Susan Westergard, Town of South Hampton Mayor Mark Epley, the County of Suffolk, and Community Housing Innovations, Inc. Executive Director Alexander M. Roberts.

Upon review of Wallace's declaration in support of his application to proceed *in forma pauperis*, plaintiff's financial status qualifies him to commence this action without prepayment of the filing fees. *See* 28 U.S.C. § 1915(a)(1). Accordingly, plaintiff's application to proceed *in forma pauperis* is GRANTED. The Clerk of Court is directed to forward copies of the summonses, complaint and amended complaint and this Order to the United States Marshals Service for service upon the defendants without prepayment of fees, and to mail a copy of this Order to the *pro se* plaintiffs.

**SO ORDERED.**

s/ Sandra J. Feuerstein

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Sandra J. Feuerstein  
United States District Judge

Dated: January 6, 2013  
Central Islip, New York